

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.2185 of 2015

Date of Decision.27.03.2015

Dara Singh

.....Petitioner

Versus

Balwant Singh

.....Respondent

Present: Mr. Maninder Arora, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. The suit is on an agreement for enforcement and plea in defence is that the agreement is not good. The plaintiff's side has been closed and the defendant's side was also closed and when it was posted for rebuttal, it appears that the defendant filed an application for appointment of thumb impression expert to take the photograph of the thumb impression as found in the document propounded by the plaintiff and compare with the thumb impression as affixed by the party in the course of evidence. This action must have been taken already by the defendant before the commencement of the trial or at least before he was examined. There is no warrant for filing an application for reopening at the belated stage. The burden of proof is always on the plaintiff who sets up an agreement when it was denied by the defendant. If the plaintiff has not offered such evidence and the defendant also did not think of producing such an evidence initially, he

cannot bring at a later stage and stall the proceedings. If there is an argument by the defendant that the plaintiff will still take time for letting in rebuttal evidence, the Court will deal with such issue as it deems appropriate and I do not think there is any ground made to be favoured with for grant of additional evidence.

2. I decline to make any intervention in the revision petition.

The revision petition is dismissed.

(K. KANNAN)
JUDGE

March 27, 2015
Pankaj*